

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2013-070328

05/06/2013

HONORABLE MICHAEL W. KEMP

CLERK OF THE COURT

J. Bailey

Deputy

IN RE THE MATTER OF
JENNIFER D SAUNDERS

TERRY BAYS SMITH

AND

BRIAN K SAUNDERS

REBECCA L OWEN

CONCILIATION SERVICES-NW
FINANCIAL SERVICES-BILLING-CCC

DISSOLUTION TRIAL SET

Northwest Facility, Courtroom 121

10:36 a.m. This is the time set for a Resolution Management Conference regarding Petitioner's Petition for Dissolution of Marriage filed February 1, 2013. Petitioner/Mother Jennifer Saunders is present and represented by counsel, Terry Bays Smith. Respondent/Father Brian Saunders is present and represented by counsel, Rebecca L. Owen.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held regarding status of the case and pending issues.

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IT IS ORDERED pursuant to agreement Father shall have parenting time on Saturday, May 18, 2013 beginning at 9:00 a.m. until Sunday, May 19, 2013 at 2:00 p.m. when Father shall take the child to her club meeting, as discussed on the record.

IT IS FURTHER ORDERED pursuant to agreement Mother shall be allowed to travel with the minor child to Florida provided Mother gives Father an itinerary. However the parties are not in agreement as to the duration of the trip.

IT IS FURTHER ORDERED that the parties shall participate in a Parenting Conference. The parties will be advised by separate minute entry of the name and telephone number of the Parenting Conference Provider and other relevant information regarding the Parenting Conference. The parties shall comply with all instructions and directives issued by the Provider.

THE COURT FINDS that Petitioner is unable to afford to pay the entire Parenting Conference Fee of \$300.00 per party today, but is eligible to make monthly payments pursuant to a payment plan.

IT IS FURTHER ORDERED that Petitioner shall pay for her portion of the Parenting Conference Fee at a rate of \$50.00 per month to the Clerk of Court beginning June 1, 2013.

IT IS FURTHER ORDERED that immediately following this hearing Respondent is directed to pay the \$300 per party fee through the Clerk of the Court. The fee may be paid at the Clerk of the Court filing counter, by mail to the Clerk of the Court with a check or money order, or by telephone with the Clerk of Court (602 506-2800) with a debit or credit card.

WARNING:

If you fail to appear at the Parenting Conference as ordered, you may be required to pay a \$100 no show fee. If you cannot attend, you must request and be granted permission from the judge in your case to reschedule the conference at least three full court days before the conference. If an agreement is reached prior to your appointment date, you must submit a request to the judge to vacate the conference and waive the fee in order to avoid fee collection.

IT IS FURTHER ORDERED granting Petitioner's Motion to Allow Court to Interview Minor Child with Conciliation Services filed April 10, 2013.

IT IS FURTHER ORDERED that the Parenting Conference Provider shall interview minor child Megan Saunders, born August 19, 2000, with regard to legal decision-making and/or parenting time issues, as appropriate.

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IT IS FURTHER ORDERED as follows:

1. The parent who has the child on that date shall bring her to the interview.
2. Neither parent shall discuss the interview with the child other than telling her that she will be asked questions by court personnel.
3. There shall be absolutely no coaching of the child by either parent.
4. The child shall be asked if either parent discussed the interview with her.
5. Neither parent shall discuss the child interview report with the child.
6. The parties shall comply with all instruction given by Conciliation Services and the Parenting Conference Provider.

IT IS FURTHER ORDERED setting an **Evidentiary Hearing on May 29, 2013 at 1:30 p.m.** (1 hour allotted) before the Honorable Michael W. Kemp at the Northwest Regional Court Center, Courtroom 121, 14264 W. Tierra Buena Lane, Surprise, Arizona 85374, Telephone: (602) 372-0608.

The Evidentiary Hearing will address Petitioner's "Motion for Temporary Orders re: Spousal Maintenance, Child Support, Division of First Time Homeowner Compensation, Travel Out of State with Minor Child" filed May 6, 2013.

Pursuant to Rule 77(B)(1), Arizona Rules of Family Law Procedure (A.R.F.L.P.), each party will be allowed approximately one-half of the time allotted to present his/her case. The time will not be extended absent a timely filed motion granted by the Court.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint Pre-Trial Statement** pursuant to Rule 76, A.R.F.L.P., no later than five (5) days prior to the hearing. If the parties are unable to prepare the Pre-Trial Statement together, each party shall file a separate Pre-Trial Statement.

IT IS FURTHER ORDERED that the Joint Pre-Trial Statement shall include a current **Parent's Worksheet for Child Support Amount** completed by each party pursuant to the Statewide Child Support Guidelines and a specific proposal for legal decision-making and parenting time by each party, if applicable.

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IT IS FURTHER ORDERED that each party shall file a current **Affidavit of Financial Information** and present a copy to this Division no later than five (5) days prior to the Trial. Each party shall ensure that the opposing party receives a copy of the Affidavit of Financial Information in accordance with the discovery and disclosure deadlines set forth herein.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. All depositions and discovery contemplated by Rules 49 through 65, A.R.F.L.P., shall be completed and any motions regarding discovery shall be filed no later than 5:00 p.m. on May 13, 2013.

2. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, A.R.F.L.P., including an exchange of all relevant information, documents and exhibits no later than 5:00 p.m. on May 20, 2013.

3. Counsel and/or both parties shall personally meet, face to face (unless there is an Order of Protection in place), at least ten (10) days prior to Evidentiary Hearing, to conduct settlement discussions and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

IT IS FURTHER ORDERED that the failure of counsel and/or either party to appear at the time of hearing, or to timely present the Joint Pre-Hearing Statement in proper form shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), A.R.F.L.P. and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE: You may request conclusions of fact and law on the following issues, if contested: child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision. If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings must also be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

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IT IS FURTHER ORDERED as follows:

1. Counsel and/or the parties shall submit all exhibits to this Division (by placing the exhibit packet in the basket for incoming documents in the lobby) at least five (5) business days prior to the hearing. Exhibits shall not be filed at the Clerk of Court filing counter.
2. The exhibit packet shall contain a title page which states the case number, whether the exhibits are Petitioner's or Respondent's and the date for the Trial.
3. Each exhibit shall be stapled if it contains more than one page and shall be clearly separated from the other exhibits, preferably by placing a colored page in between each exhibit.
4. Exhibits will be marked in numerical order, most likely in the order received. The parties will receive an exhibit worksheet at the time of hearing which will be the master list.
5. Each party shall provide the adverse party with a separate copy of all exhibits. Each party should keep a copy of the exhibits for themselves as exhibits turned into the Court are kept by the Court. Copies of exhibits may be obtained from the Exhibits Department at the Customer Service Center after conclusion of the hearing.

Counsel and/or the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, A.R.F.L.P.

WARNING:

Failure of counsel and/or either party to appear at the time of hearing, shall in the absence of good cause shown result in the imposition of any and all available sanctions pursuant to Rule 70(D), A.R.F.L.P. and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party. The Court may issue warrant for the arrest of the non-appearing party. If both parties fail to appear, the entire case, or pending pleadings, may be dismissed without further notice to either party.

IT IS FURTHER ORDERED setting a **Dissolution Trial on August 1, 2013 at 1:30 p.m.** (3.5 hours allotted) before the Honorable Michael W. Kemp at the Northwest Regional Court Center, Courtroom 121, 14264 W. Tierra Buena Lane, Surprise, Arizona 85374, Telephone: (602) 372-0608.

The Trial will address the remaining issues for dissolution of marriage.

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Pursuant to Rule 77(B)(1), Arizona Rules of Family Law Procedure (A.R.F.L.P.), each party will be allowed approximately one-half of the time allotted to present his/her case. The time will not be extended absent a timely filed motion granted by the Court.

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint Pre-Trial Statement** pursuant to Rule 76, A.R.F.L.P., no later than five (5) days prior to the hearing. If the parties are unable to prepare the Pre-Trial Statement together, each party shall file a separate Pre-Trial Statement.

IT IS FURTHER ORDERED that the Joint Pre-Trial Statement shall include a current **Parent's Worksheet for Child Support Amount** completed by each party pursuant to the Statewide Child Support Guidelines and a specific proposal for legal decision-making and parenting time by each party, if applicable.

IT IS FURTHER ORDERED that each party shall file a current **Affidavit of Financial Information** and present a copy to this Division no later than five (5) days prior to the Trial. Each party shall ensure that the opposing party receives a copy of the Affidavit of Financial Information in accordance with the discovery and disclosure deadlines set forth herein.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. All depositions and discovery contemplated by Rules 49 through 65, A.R.F.L.P., shall be completed and any motions regarding discovery shall be filed no later than 5:00 p.m. on July 12, 2013.
2. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, A.R.F.L.P., including an exchange of all relevant information, documents and exhibits no later than 5:00 p.m. on July 19, 2013.
3. Counsel and/or both parties shall personally meet, face to face (unless there is an Order of Protection in place) at least ten (10) days prior to Trial to conduct settlement discussions and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution/company or business/medical or health care provider/employer possessing any relevant information.

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IT IS FURTHER ORDERED that the failure of counsel and/or either party to appear at the time of Trial, or to timely present the Joint Pre-Trial Statement in proper form shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 70(D), A.R.F.L.P. and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

NOTICE: You may request conclusions of fact and law on the following issues, if contested: child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the trial or evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the Court will make conclusions of fact and law as part of the final decision. If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings must also be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

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10:47 a.m. Matter concludes.

IT IS FURTHER ORDERED signing this minute entry as a formal order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

May 6, 2013

/s/ Michael W. Kemp

DATE

HONORABLE MICHAEL W. KEMP
SUPERIOR COURT JUDGE

FILED: Acknowledgement and Notice of Parenting Conference (2)

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.